



WHAT IS MEDIATION?

Mediation is an informal, inexpensive, and confidential process to resolve disputes quickly. The mediator is an impartial third party who assists the parties to meet face-to-face to work out a mutually acceptable solution.

ARE THERE ADVANTAGES IN MEDIATION?

- Inexpensive
- Expedient
- Parties control the solutions
- Solutions are tailored to needs of parties
- Confidential process
- Scheduled at convenience of parties
- Even if dispute is not completely resolved, mediation often defuses hostilities, clarifies issues, and expands options
- Small Claims Court, arbitration, and litigation are still options if not able to resolve dispute through mediation



IS MEDIATION MANDATORY?

Section 514A-121.5, Hawaii Revised Statutes (HRS), **requires** mediation if a condominium owner or the board of directors requests mediation of a dispute involving the interpretation or enforcement of:

- The declaration, bylaws, and/or house rules
- Removal of board members
- Amendments of bylaws
- Notices of association meetings
- Solicitation, voting & distribution of proxies
- Director conflict of interest
- Right of access to apartments
- Owners acting as officers & employees of managing agent
- Association employees selling/renting apartments

- Notice & board meetings
- Expending association funds for director travel/fees/per diem
- Providing board members with declaration, bylaws, house rules & Chapter 514A HRS
- Association expenses to educate directors
- Enforcing liens
- Background check on condominium employees
- Board representation in mixed use condominiums
- Association borrowing money
- Pet bylaws applying equally to owners & tenants
- Pet replacement & prohibition
- Purchaser's right to vote
- Board meeting requirements
- Proxy requirements
- Membership list requirements
- Minutes of meetings
- Documents of the association
- Management of the association & contracts
- Availability of project documents

Sections 514A-90(c)(5) and 514A-90(d), HRS, **requires** condominium associations to mediate to resolve owner disputes about the amount or validity of an association assessment, provided the condominium owner pays the assessment in full and keeps the assessments current.



IS THERE A COST FOR MEDIATION?

There is a nominal fee. The Real Estate Commission (Commission) established a Condominium Management Education Fund (CMEF) to subsidize condominium mediation. Subject to availability of CMEF monies, subsidized mediation services are available through the mediation providers listed in this brochure for **eligible parties and eligible issues**.

WHO IS ELIGIBLE TO FILE FOR MEDIATION?

- Condominium associations registered with the Commission
- Owners and tenants of registered condominium associations (except landlord tenant issues)
- Officers, directors and boards of registered condominium associations
- Employees of registered condominium associations acting within the scope of employment
- Condominium managing agents

WHAT IS CONSIDERED AN ELIGIBLE ISSUE?

Disputes involving:

- Chapter 514A, HRS, and/or Chapter 107, HAR, which govern the Condominium Property Regime
- The declaration of a registered condominium association
- The bylaws of a registered condominium association
- The house rules of a registered condominium association
- Disputes involving the house rules of a registered condominium association

ARE THERE INELIGIBLE ISSUES?

- Parties and issues involving Chapter 521, HRS, Residential Landlord-Tenant Code
- Condominium developers and construction issues
- Time share owners/associations and time share issues
- Employees of registered condominium associations and labor law issues

WHAT IS THE PROCEDURE IN REQUESTING A CMEF-SUBSIDIZED MEDIATION?

You may contact any of the Commission's mediation providers listed in this brochure. The mediation providers will explain their procedures and cost. The Commission does not conduct mediations.

MEDIATION PROVIDERS

Contact the following mediation providers directly about the procedures and cost, and arranging mediation (check www.hawaii.gov/hirec for a current list of mediation centers):

Oahu: Mediation Center of the Pacific, Inc.
680 Iwilei Road, Suite 530
Honolulu, HI 96817-3838
Tel: (808) 521-6767
Fax: (808) 538-1454
Website: www.mediatehawaii.org
Email: mcp@pixi.com

Maui: Mediation Services of Maui, Inc.
95 Mahalani Street, #25
Wailuku, HI 96793
Tel: (808) 244-5744
Fax: (808) 242-8444
Website: www.mauigateway.com/~msm
Email: msm@mauigateway.com

W. Hawaii: West Hawaii Mediation Center
65-1279 Kawaihae Road, #217
Kamuela, HI 96743
Tel: (808) 885-5525 (Kamuela)
Tel: (808) 326-2666 (Kona)
Fax: (808) 887-0525
Website: www.whmediationcenter.org
Email: whmc@bigisland.net

E. Hawaii: Ku'ikahi Mediation Center
300 W. Lanikaula Street
Hilo, HI 96720
Tel: (808) 935-7844
Fax: (808) 969-1772
Website: www.ymcahawaii.org
Email: mediation@ymcahawaii.org

Kauai: Kauai Economic Opportunity, Inc.
2804 Wehe Road
Lihue, HI 96766
Tel: (808) 245-4077
Fax: (808) 245-7476
Website: none
Email: keo@hawaiian.net

USEFUL INFORMATION SOURCES

Department of Commerce and Consumer Affairs (DCCA)

Chapter 514A, HRS, and Chapter 107, HAR, regarding Condominium Property Regimes, are available online. Please refer to the following sites:

Website to access official copy of laws:
www.capitol.hawaii.gov
Website to access unofficial copy of laws:
www.hawaii.gov/dcca/hrs
Website to access rules:
www.hawaii.gov/dcca/har

STATE TOLL-FREE NUMBERS

From the neighbor islands:

Kauai 274-3141, ext. 6-2643
Maui 984-2400, ext. 6-2643
Molokai & Lanai 1-800-468-4644, ext. 6-2643.

Real Estate Branch Website:

www.hawaii.gov/hirec

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This printed material can be made available for individuals with special needs. Please submit your request to the Senior Condominium Specialist at (808) 586-2643.
REV 0402

REAL ESTATE COMMISSION

STATE OF HAWAII

MEDIATION OF CONDOMINIUM DISPUTES



Department of Commerce & Consumer Affairs

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